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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,088	07/11/2003	Paul S. Mosher	23148	3349
26975	7590	06/15/2004	EXAMINER	
MARIO D. THERIAULT 812 HWY. 101 NASONWORTH FREDERICTON, NB E3C 2B5 CANADA			NGUYEN, PHONG H	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

10/617.088

Applicant(s)

MOSHER, PAUL S.

Examiner

Phong H Nguyen

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Arkell (118,327).

Regarding claim 1, Arkell teaches all the recited elements of the invention including a frame, a pinch wheel pair (A and B), a cutter wheel (C) having a blade (K) and an anvil (D). See Figs. 1 and 2.

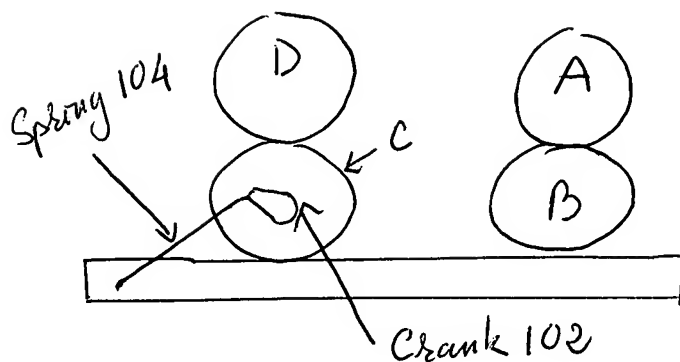
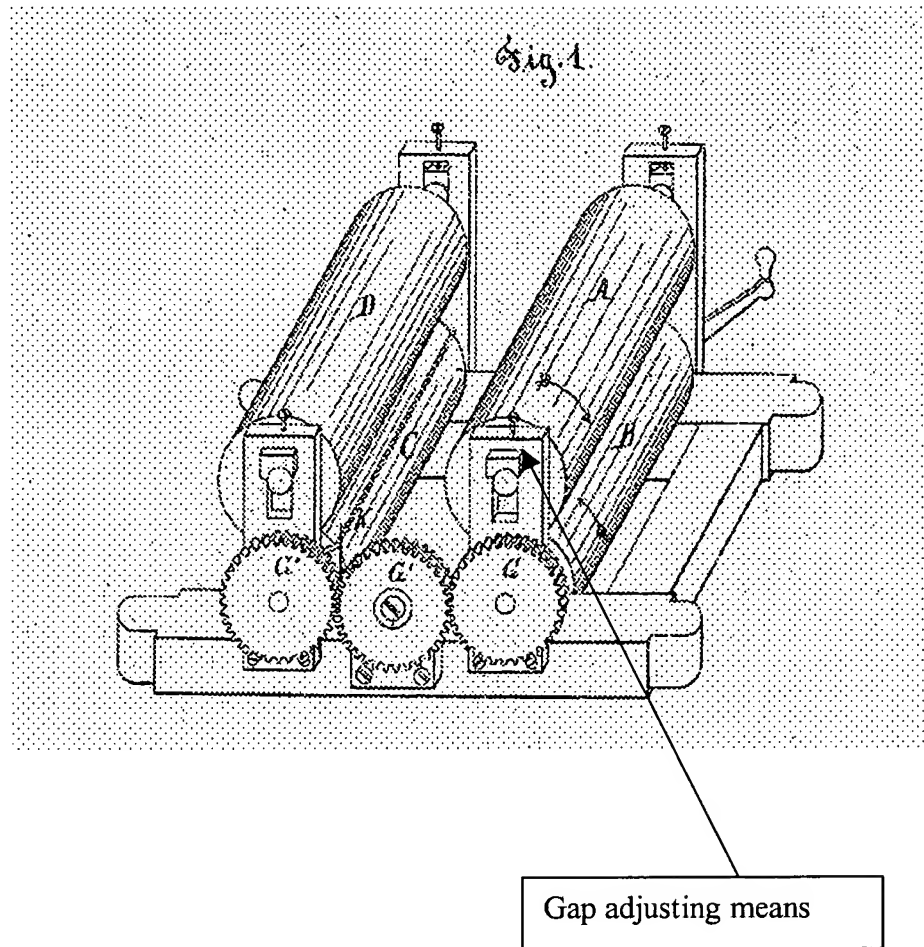
Means (A and B) for feeding the strip of material along the feeding axis.

The friction created by the strip of material, the cutting wheel (C) and the anvil (D) and the forward movement of the strip of material created by rollers (A and B) cause the rotation of the cutting wheel (C) against the anvil (D) for severing the strip of material.

The anvil (D) and the cutting wheel (C) advance the cut strip of material.

Regarding claims 6 and 9, gears (G, G' and G'') turn the pinch wheel pair, the cutter wheel and the anvil in unison. See Fig. 1.

Regarding claim 10, means for adjusting a gap between the pinch wheel pair is best seen in Fig. 1.



Back view of Fig. 1. The crank and the spring in Formon is superimposed into Fig. 1 in Arkell.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arkell (118,327) in view of Formon et al. (5,441,189).

The modified device of Arkell teaches the invention substantial as claimed except for a rotating means comprising a crank and a spring to rotate the cutter wheel. Formon teaches providing a rotating means comprising a crank 102 and a spring 104 to rotate a cutter wheel 30. See Figs. 1 and 4. It would have been obvious to incorporate the rotating means as taught by Formon to the invention of Arkell since the crank and the spring increase cutting force which creates a clean cut on the strip of material.

The momentum of the rotating means changes due to the tension of the spring. As the momentum changes, the cutter blade urges swiftly against the anvil.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arkell (118,327) in view of Haen et al. (6,446,901 B1).

The modified device of Arkell teaches the invention substantial as claimed except for a back rotation prevention means. Haen teaches stop mechanism comprising a pawl 335 and a wheel 325 for preventing back rotation. See Fig. 3.

Therefore, it would have been obvious to provide a pawl as taught by Haen to the invention of Arkell to prevent the back rotation of rollers (A and B). As the back rotation prevention mechanism is incorporated to the modified device of Arkell, one having ordinary skill in the art would have been motivated to incorporate the wheel 325 to the end of roller (A) on the handle side or create a serrated surface similar to the wheel 325 and mounted the pawl 335 on the inside wall of the vertical frame to make the back rotation prevention mechanism work.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Robbins et al. (1,829,456) and Pavlick (4,964,324) teach dispensers of general interest.

Jespersen (4,732,306) and Rasmussen et al. (4,487,375) teach back rotation prevention mechanisms of general interest.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 703-305-4989. The examiner can normally be reached on Mon-Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN: 

June 11, 2004


STEPHEN CHOI
PRIMARY EXAMINER